

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ROBERT J. LABONTE,)
Plaintiff,)
v.) No. 18-1784C
UNITED STATES,) (Judge Hertling)
Defendant.)

JOINT STATUS REPORT

Plaintiff, Robert LaBonte, Jr., and Defendant, the United States, respectfully submit the following Joint Status Report pursuant to the Court's December 3, 2019 order, ECF No. 57, and its March 22, 2020 order granting in part Defendant's request for an enlargement of time, ECF No. 64.

I. Status Update

On December 3, 2019, the Court partially dismissed Plaintiff's complaint for lack of jurisdiction, except for his "claim that he should have been considered for medical retirement before being convicted by a court martial," and vacated the Army Board for Correction of Military Records' ("ABCMR") decision to deny his claim for medical retirement. ECF No. 57. The Court remanded the matter to the ABCMR to "obtain a further medical opinion that considers the medical evidence as required by law and thereafter resolve the plaintiff's claim."

II. Proposed Briefing Schedule

The parties respectfully request a scheduling order for dispositive motions. The parties respectfully propose the following schedule and deadlines:

- **June 10, 2020:** Defendant submits a supplement to the Administrative Record for ABCMR's April 29, 2020 decision.
- **July 1, 2020:** Plaintiff submits Motion for Judgment on the Administrative Record.
- **August 6, 2020:** Defendant submits Cross-Motion for Judgment on the Administrative Record and/or Motion to Dismiss, and Response to Plaintiff's Motion for Judgment on the Administrative Record (Defendant's Cross-Motion).
- **September 11, 2020:** Plaintiff submits Response to Defendant's Cross-Motion and Reply in Support of Plaintiff's Motion.
- **October 8, 2020:** Defendant submits Reply in Support of Defendant's Cross-Motion.

Dated: May 8, 2020

Respectfully submitted,

By: /s/ Michael J. Wishnie, by Renee A. Burbank

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*Motion for Student Appearance Forthcoming

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